

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
THOMASVILLE DIVISION**

UNITED STATES OF AMERICA,	:	
	:	
v.	:	
	:	CASE NO.: 6:04-CR-2-003 (WLS)
HERBERT ROBINSON,	:	
	:	
Defendant.	:	
	:	

ORDER

Before the Court are Defendant's Motion for Reduction Under 3582(c)(2) (Doc. 470) and Motion for Appointment of Counsel (Doc. 471). Defendant moves the Court to reduce his sentence pursuant to Amendment 706, effective November 1, 2007 and made retroactive, which lowers the base offense levels for particular crack cocaine offenses in U.S.S.G. § 2D1.1(c). *See* U.S.S.G. App. C, Amend. 706 (2007). Defendant previously moved to reduce his sentence based upon retroactive crack cocaine Amendment 750. (Docs. 377, 389, 397.) The Federal Defenders of the Middle District of Georgia, Inc. was appointed to represent Defendant. (Doc. 410.) On August 13, 2012, the Court ruled that Amendment 750 did not apply to Defendant because "the Career Offender provisions at USSG § 4B1.1 applied" to Defendant's case and "defendants sentenced as Career Offenders are ineligible for a sentence reduction based on motions filed pursuant to 18 U.S.C. § 3582(c)(2)." (Doc. 433.) Although Defendant seeks to apply a different amendment, he nonetheless seeks relief pursuant to 18 U.S.C. § 3582(c)(2). As the Court previously ruled, because Defendant was sentenced as a career offender, he is ineligible for a sentence reduction based on a motion filed pursuant to 18 U.S.C. § 3582(c)(2). *See United States v. Moore*, 541 F.3d 1323, 1330 (11th Cir. 2008). For that reason, Defendant's Motion for Reduction Under 3582(c)(2) (Doc. 470) is **DENIED**. Also, because no further

issues remain in the above-captioned matter, Defendant's Motion for Appointment of Counsel (Doc. 471) is **DENIED AS MOOT**.

SO ORDERED, this 21st day of April 2014.

/s/ W. Louis Sands

W. LOUIS SANDS, JUDGE
UNITED STATES DISTRICT COURT